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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
288

First named inventor: Ralph M. Pidock

Application No.: 10/066,904

Art Unit: 3727

Filed: February 4, 2002

Examiner: Sue A. Weaver

Title: CANE HOLDER

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OCT 27 2004

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice of action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Response to First Official Action (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/26/2004 HRL111 00000023 10066904 685.00 0P 01 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

_____ Signature	10/22/2004 Date
Charles A. Wilkinson _____ Typed or printed name	20,891 Registration Number, if applicable
68 E Broad ST, PO Box 1426 _____ Address	610/867-9700 Telephone Number
Bethlehem PA 18016-1426 _____ Address	

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

10/22/2004
Date

Charles A. Wilkinson

Signature

Charles A. Wilkinson

Typed or printed name of person signing certificate



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STATEMENT OF ATTORNEY

THIS APPLICATION was unintentionally abandoned when the first Official Action was inadvertently not responded to even though several very satisfactory claims were specifically allowed. As nearly as can be determined, the circumstances of such abandonment arose when, upon receipt of an Official Action on April 22, 2003, the file was set aside to allow certain administrative tasks to be taken care of including formal reporting of the filing of the application (filing had been reported to the Applicant informally) and final invoicing of the application for preparing and filing the application, which tasks it was discovered had not been previously attended to because of a serious heart attack and open heart surgery of the prosecuting attorney subsequent to filing of the application. The file, after being set aside temporarily to draft said documents prior to reporting the Official Action to the client, was mislaid and for some unaccountable reason was not retrieved, possibly due to confusion on the docket with two trademark applications belonging to the same Applicant. Neither the housekeeping report nor a report of the Official Action was ever sent to the Applicant.

Upon receipt of a Notice of Abandonment on December 18, 2003 the file apparently could not be found and such notice was not matched with the file. Such notice, while originally docketed, remains missing. Finally the Applicant inquired concerning the status of his application and at this point the missing file was with some searching located and a complete response to the Official Action prepared as attached and filed along with this petition for revival and the Applicant informed. The complete delay in filing such response and this petition for revival has been completely unintentional.

Respectfully presented,

Charles A. Wilkinson
Charles A. Wilkinson
Attorney for the Applicant
Registration No. 20,891

Dated: October 22, 2004